

## REMARKS

In the Office Action mailed August 26, 2003, the Examiner rejected claims 1 to 31 and allowed claims 32 to 35. The rejections are each respectfully traversed. This Amendment "C" cancels claims 27 to 31, amends claims 1, 8 to 10, 19, and 21 to 23, and adds no new claims. Accordingly, claims 1 to 26 and 32 to 35 are now pending in this application.

Claims 1 to 7, 10 to 18, and 21 to 31 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Independent claims 1, 10, 21, and 23 have been amended to delete the language rejected by the Examiner. Claims 27 to 31 have been cancelled with out prejudice as to later claiming the subject matter. Reconsideration and withdrawal of the rejection is requested.

Claims 8 and 9 were rejected under 35 U.S.C. 102(e) as anticipated by Chapman et al. (US 6,450,061). The Examiner stated that "the sensor P of Chapman et al. functions the same as the applicant's sensor by detecting the rotational movement of the screw" and "[t]herefore, there is essentially no difference between the sensor as disclosed by Chapman et al. and the Applicant's sensor as recited in the claims."

Claim 8 and claims dependent therefrom are allowable because they each require "a controller in communication with the sensor to receive pulses from the sensor" and "each of the pulses from the sensor indicates a predetermined amount of rotation of the screw". No prior art of record reasonably discloses or suggests the present invention as now defined by claim 8. Chapman et al. disclose positioning a potentiometer P between the moving clutch pedal CL and a fixed position. The potentiometer P does not directly sense rotations of the screw and does not send pulses indicating such rotations. The potentiometer P provides a voltage signal which varies proportionally to the position of the clutch pedal CL. Reconsideration and withdrawal of the rejection is requested.

Claims 19 and 20 were rejected under 35 U.S.C. 102(e) as anticipated by Chapman et al. (US 6,450,061).

Claims 19 and 20 are allowable because they each require that “the controller is adapted to automatically stop power to the motor when signals from the sensor indicate that the first support is not moving relative to the second support while power is provided to the motor”. No prior art of record reasonably discloses or suggests the present invention as now defined by claim 19. Chapman et al. discloses having a memory module 26 which processes the signal from the potentiometer P and compares it to stored settings to determine if the pedal is at a desired position. The memory module 26 then operates a signal light or horn 32 to indicate the desired position is obtained and shuts down the motor 1. The device of Chapman et al. does not disclose or reasonably suggest that the motor 1 is shut down when the motor is powered and the pedal is not moving. It was the inventive insight of the Applicants to provide a device with such failure detection and damage prevention. Reconsideration and withdrawal of the rejection is requested.

While the Examiner did not specifically reject claims 1 to 7, 10 to 18, and 21 to 31 based on Chapman et al., the Applicant makes the following comments as to the allowability of these claims over the prior art of record including Chapman et al..

Claim 1 and claims dependent therefrom are allowable because they each require that “the controller member is adapted to stop power to the motor when signals from the sensor indicate that the second support member is not moving relative to the first member while power is provided to the motor”. No prior art of record reasonably discloses or suggests the present invention as now defined by claim 1. Chapman et al. discloses having a memory module 26 which processes the signal from the potentiometer P and compares it to stored settings to determine if the pedal is at a desired position. The memory module 26 then operates a signal light or horn 32 to indicate the desired position is obtained and shuts down the motor 1. The device of Chapman et al. does not disclose or reasonably suggest that the motor 1 is shut down when the motor is powered and the pedal is not moving. It was the inventive insight of the Applicants to provide a device with such failure detection and damage prevention. Reconsideration and withdrawal of the rejection is requested.

Claim 10 and claims dependent therefrom are allowable because they each require “\_”. No prior art of record reasonably discloses or suggests the present invention as now defined by claim 10. Reconsideration and withdrawal of the rejection is requested.

Claim 21 and claims dependent therefrom are allowable because they each “a controller in communication with the sensor to receive pulses from the sensor” and “each of the pulses from the sensor indicates a predetermined amount of rotation of the screw”. No prior art of record reasonably discloses or suggests the present invention as now defined by claim 21. Chapman et al. disclose positioning a potentiometer P between the moving clutch pedal CL and a fixed position. The potentiometer P does not directly sense rotations of the screw and does not send pulses indicating such rotations. The potentiometer P provides a voltage signal which varies proportionally to the position of the clutch pedal CL. Reconsideration and withdrawal of the rejection is requested.

Claim 23 and claims dependent therefrom are allowable because they each require “wherein the controller is adapted to determine the position of the second support relative to the first support based on the signals from the sensor and to automatically stop the motor when the position of the second support relative to the first support indicates that a predetermined fore-aft relationship between the first and the second control pedals has not been maintained”. No prior art of record reasonably discloses or suggests the present invention as now defined by claim 23. The device of Chapman et al. operates to protect the “step-over” relationship of the pedals in a very different way. The device of Chapman et al. has a switch assembly A which is mechanically connected to the two pedals and is opened to stop the motor 1 if the fore-aft relationship between the two pedals is beyond a provided limit. While the device of Chapman et al. has a sensor P which can determine the position of the pedal, the sensor P is not used to stop the motor when the step-over relationship is undesireably removed. It was the inventive insight of the present applicants that determined a controller can be used to determine the position of the pedal and protect the step-over relationship with the benefit of eliminating the cost and complexity of the mechanical switch A required by the Chapman et al device. Reconsideration and withdrawal of the rejection is requested.

The allowance of claims 32 to 35 is acknowledged.

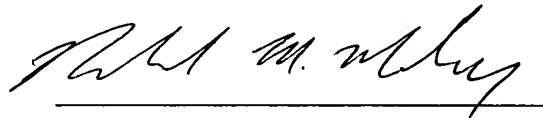
In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that the present amendment does not place the application in a condition for allowance, applicant's undersigned attorney requests that the examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 16-2326.

Respectfully submitted,

PORTER, WRIGHT, MORRIS & ARTHUR LLP

December 19, 2003

A handwritten signature in dark ink, appearing to read "R. M. Mescher", is written over a horizontal line.

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